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Attorneys for Defendant
Deutsche Bank Securities Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LOUISIANA PACIFIC CORPORATION,

Plaintiff,

vs.

MONEY MARKET 1 INSTITUTIONAL
INVESTMENT DEALER; MERRILL
LYNCH & CO., INC.; MERRILL
LYNCH, PIERCE, FENNER & SMITH
INCORPORATED; AND DEUTSCHE
BANK SECURITIES INC.,

Defendants.

Case No. CV09-03529-JSW

Honorable Jeffrey S. White – Courtroom 11

**STIPULATION AND ~~PROPOSED~~ ORDER
EXTENDING DEFENDANT DEUTSCHE
BANK SECURITIES INC.'S TIME TO
RESPOND TO THE SECOND AMENDED
COMPLAINT, GRANTING LEAVE TO
EXCEED PAGE LIMITS ESTABLISHED
BY THE COURT'S CIVIL STANDING
ORDERS AND SETTING BRIEFING
SCHEDULE FOR MOTION TO DISMISS**

Second Am. Complaint filed: May 20, 2011

1 Plaintiff Louisiana Pacific Corporation (“Plaintiff”) and Defendant Deutsche Bank
 2 Securities Inc. (“DBSI” or “Defendant”), by and through their respective counsel of record,
 3 hereby stipulate as follows:

4 WHEREAS, Plaintiff filed a First Amended Complaint (“FAC”) on March 8, 2010;

5 WHEREAS, on April 21, 2010, DBSI filed a Motion to Dismiss and a Motion to Strike
 6 portions of the FAC;

7 WHEREAS, on March 28, 2011, this Court issued an Order granting DBSI’s Motion to
 8 Dismiss with leave to amend and stating that “[i]f Plaintiff wishes to file a second amended
 9 complaint as against DBSI, it shall do so by no later than April 29, 2011”;

10 WHEREAS, the parties previously stipulated and the Court ordered that Plaintiff would
 11 have until May 20, 2011 to file a Second Amended Complaint as against DBSI in this Action;

12 WHEREAS, Plaintiff filed a Second Amended Complaint (“SAC”) on May 20, 2011;

13 WHEREAS, the SAC asserts several causes of action, including causes of action for
 14 federal securities fraud, California securities fraud, and common law fraud claims against DBSI
 15 in connection with auction-rate securities;

16 WHEREAS, the SAC alleges over the course of 265 paragraphs and 92 pages that DBSI
 17 engaged in a comprehensive scheme to defraud Plaintiff in violation of Section 10(b) of the
 18 Securities Exchange Act of 1934 and Rule 10b-5, that DBSI violated Sections 25500 and 25501
 19 of the California Corporate Securities Law of 1968, and that DBSI committed common law fraud;

20 WHEREAS, the SAC alleges wrongful conduct by DBSI in connection with at least eight
 21 different series of auction-rate securities;

22 WHEREAS, pursuant to Federal Rule of Civil Procedure 15(a)(3), DBSI’s response to the
 23 SAC is due to be filed on or before June 3, 2011;

24 WHEREAS, DBSI has informed Plaintiff that it expects to move to dismiss the SAC and
 25 both parties have agreed that DBSI shall have until June 27, 2011 to make such a motion or to
 26 answer or otherwise respond to the SAC;

27 WHEREAS, Plaintiff and DBSI agree that, should DBSI move to dismiss the SAC, the
 28 SAC’s scope and complexity warrant an increase in the page limits imposed by this Court’s Civil

1 Standing Orders for DBSI's opening brief and Plaintiff's opposition to DBSI's motion to dismiss
 2 from 15 pages to 25 pages, but that the page limit for DBSI's reply brief shall be limited to 10
 3 pages (exclusive of title pages, indices of cases, table of contents, exhibits, and summaries of
 4 argument);

5 WHEREAS, should DBSI file a motion to dismiss the SAC on June 27, 2011, Plaintiff
 6 and DBSI agree that the deadline for Plaintiff's filing of its opposition to DBSI's motion to
 7 dismiss should be extended until July 27, 2011 and that DBSI's reply brief shall be filed by
 8 August 10, 2011.

9 IT IS THEREFORE STIPULATED AND AGREED, by and between Plaintiff and
 10 Defendant, acting through their respective counsel, subject to this Court's approval, as follows:

11 1. DBSI shall answer or otherwise respond to the SAC on or before June 27, 2011;

12 2. Should DBSI file a motion to dismiss on June 27, 2011, Plaintiff shall file its
 13 opposition papers on or before July 27, 2011, and DBSI shall file its reply papers on or before
 14 August 10, 2011;

15 3. Should DBSI file a motion to dismiss, DBSI's memorandum of law in support of
 16 its motion to dismiss and Plaintiff's memorandum of law in opposition to DBSI's motion to
 17 dismiss shall not exceed 25 pages in length (exclusive of title pages, indices of cases, table of
 18 contents, exhibits, and summaries of argument); and

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4. DBSI's reply brief in support of its motion to dismiss shall not exceed 10 pages in length (exclusive of title pages, indices of cases, table of contents, exhibits, and summaries of argument).

Dated: June 3, 2011

KELLOGG, HUBER, HANSEN, TODD,
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David L. Schwarz
Kevin J. Miller
Andrew C. Shen

By /s/ Andrew C. Shen
Andrew C. Shen

Attorneys for Plaintiff
Louisiana Pacific Corporation

Dated: June 3, 2011

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By /s/ Elizabeth A. Frohlich
Elizabeth A. Frohlich

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Deutsche Bank Securities Inc.

The Court HEREBY SETS a hearing on the motion for September 2, 2011 at 9:00 a.m.
If the Court determines that the matter is suitable for resolution without oral argument, it will so advise the parties in advance of the hearing date.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: June 3, 2011


Honorable Jeffrey S. White
United States District Judge